IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR.

Misc. Petition No. 2711 /93.

PETITIONER: Jehrul Hassan, aged about 52 years, son of Haji Mohd. business - Forest contractor, r/o Ambikapur (M.P.)

-Versus-

RESPONDENTS:

1. State of Madhya Pradesh, Through : the Secretary, Department of Forest, Vallabh Bhawan, Bhopal.
2. Conservator of Forest, Sarguja Circle, Ambikapur.
3. Divisional Forest Officer, South Sarguja Van Mandal, Ambikapur (M.P.)

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR ANY OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 2711/93 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	9.8.2001. Mr.Manindra Shrivastava for the petitioner. Mr.Gautam Bhaduri PL for the respondents. Heard. IA No. 1811/2001 has been filed by respondent no.2 seeking a direction from this court to allow the authorities to decide the appeal pending before it within 30 days. Mr.Bhaduri submits that it would be fair to allow this prayer so that the competent authority has its final say in the matter and if one aggrieved by any order to be passed by the competent authority, the petitioner shall have the liberty to approach this Court. Mr.Shrivastava counsel for the petitioner submits that this a very belated effort sought to be exercised by respondent no.2 is not in the interest of justice in asmuchas the matter has been pending before this Court since 1993 and no return has been filed till date. Accordingly it is submitted that prayer of respondent no.2 be rejected and the merit of the case should be examined and decided by this court. It is true that there is inordinate delay on the part of the respondents to file the return in the matter. The request made by respondent no.2 is indeed a very belated one, ~~appealable.~~	

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[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित .2.	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

However, after hearing the counsel for both the sides and looking to the entire facts and circumstances of the case I am still inclined to hold that it would be just and reasonable to allow respondent no.2 to examine the matter and pass necessary order. This however should be done without any further delay. This prayer made on behalf of respondent no.2 is allowed,however,subjecto to payment of cost of Rs.5000/-. Cost should be paid before the date of hearing. Shri Bhaduri shall communicate this order to respondent no.2 together with a copy of this order. Let appeal be heard and disposed of finally by a speaking order by 31.8.2001. Mr. Shrivastava submits that this petition should be kept pending despite the aforesaid directions. I am of the view that since I have allowed respondent no.2 to examine the entire matter on merit,it will not be fair for me to say that the petitioner should be kept pending before this court,because the petitioner if aggrieved by any order to be passed by respondent no.2 is at liberty to approach this court. Accordingly with the above observations and directions this petition is disposed of.

It is hoped that respondent no.2 will take every pain and care to examine the entire matter on merit very carefully and pass necessary order. Let the petitioner appear before respondent no.2 on or before 20.8.2001.

Sd/-
Chief Justice

GRPRJ—FS/311—1/2001—50,000.

J